UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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YUSIF ROBINSON,

Plaintiff,

-against-

CITY OF NEW YORK, TERRENCE WILLIAMS, RICHARD ALLISON, AND HOIPING LEE,

Defendants.

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DECLARATION OF DANIEL PASSESER SUBMITTED IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

15 Civ. 5850 (LGS)

DANIEL PASSESER, pursuant to 28 U.S.C. § 1746, and subject to the penalty of perjury, declares that the following is true and correct:

1. I am a Senior Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, attorney for defendants City of New York, Terrance Williams, Richard Allison and Hoiping Lee. As such, I am familiar with the facts and circumstances of this action. This declaration is submitted to put forth certain documents before the Court in support of defendants' motion for summary judgment.

2. Annexed hereto as Exhibit "A" are relevant portions of plaintiff Yusif Robinson's Deposition Transcript, in which he admits to making hand-to-hand contact with Leon Carter shortly before his arrest.

3. Annexed hereto as Exhibit "B" are relevant portions of defendant Detective Richard Allison's Deposition Transcript, which sets forth, among other things, Detective Allison's observations which led him to believe that plaintiff had sold drugs to Leon Carter.

4. Annexed hereto as Exhibit "C" are relevant portions of defendant Detective Hoiping Lee's Deposition Transcript, which sets forth, among other things, that he did not personally observe the hand-to-hand contact and relied on what he was told by Detective Allison in arresting the plaintiff.

5. Annexed hereto as Exhibit "D" are relevant portions of defendant Detective Terrance Williams's Deposition Transcript, which sets forth, among other things, that he was several blocks away when he heard from Detective Allison, over the radio, that Detective Allison had observed a drug transaction and that he relied on what he was told by Detective Allison in arresting the plaintiff.

6. Annexed hereto as Exhibit "E" are relevant portions of non-party Leon Carter's plea allocution, in which he admits to buying crack cocaine from plaintiff on September 12, 2013.

7. Annexed hereto as Exhibit "F" is a copy of the Certificate of Affirmative Grand Jury Action, for plaintiff dated September 23, 2013, which states that plaintiff was indicted by a Grand Jury for criminal sale of a controlled substance and tampering with evidence.

8. Annexed hereto as Exhibit "G" are relevant portions of non-party Leon Carter's Deposition Transcript, which sets forth, among other things, that he was arraigned before Yusif Robinson, and that at his arraignment, he pled guilty to buying crack cocaine from plaintiff.

9. Annexed hereto as Exhibit "H" are relevant portions of Richard Allison's Testimony at a "Mapp/Dunaway Hearing" in Yusif Robinson's Criminal Prosecution, dated September 10, 2014, which sets forth, among other things, Detective Allison's knowledge and experience regarding the area in which the arrest was made.

Dated: New York, New York
September 6, 2016

ZACHARY W. CARTER
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By: /s/
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